

## **SB 1842 – Transportation Projects**

### **Problem Statement:**

Businesses impacted by some Department of Transportation projects do not currently have the opportunity to relay concerns regarding the project's impact during the design phase.

### **Background:**

The State Highway System Access Management Act provides for the regulation of access to the State Highway System. The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues such as driveway permits and the construction of medians and median barriers, but in some instances businesses impacted by DOT projects that change median openings and driveway entrances do not have adequate notice of the projects or opportunities to provide timely input to DOT during the project design phase.

In 2010, the Legislature passed this bill to require DOT to notify affected property owners and local governments prior to proposed changes to state highways if the project divides a state highway, erects a median barrier that would modify vehicle turning movements, or has the effect of closing or modifying existing access to adjacent property.

The notification must occur at least 180 days before the design of the project is finalized. The bill also allows the local government to present alternatives that would relieve the impacts to the business properties. Further, the bill requires DOT to hold at least one public hearing in the jurisdiction where the project is located and receive public input.

### **Governor's Veto:**

In his veto message, Governor Crist stated: "The bill creates confusion by duplicating existing processes for public notice and hearings and applying it only to modifications of access. It introduces but does not define 'affected property owners,' again, only related to modifications of access. These important public safety projects should not be subjected to unnecessary delays."

However, current Florida law only requires public hearings on "major" projects, and many projects affecting access to property, which are addressed in the bill, would not be considered major under the statute. The existing law provides that in developing major transportation improvements, DOT is required to hold one or more public hearings, including before DOT selects and commits to a specific design. At least 20 days prior to a currently-required public hearing related to design, DOT must notify property owners of record within 300 feet of the centerline of the proposed facility and those whom DOT determines will be substantially affected environmentally, economically, socially, or safety-wise.

The bill creates a statutory process that provides an opportunity for public input on any project that would impact the access to property. To the extent that any such project is already subject to a public hearing process, meeting the bill's requirements should only require minor modifications to DOT's existing process.

### **Effect of Override:**

The bill provides an important opportunity for public input, which is needed to protect the interests of citizens and businesses in providing input during early stages of the government decision-making process. If the veto stands, Florida businesses impacted by DOT projects may not have the opportunity

to timely relay concerns about DOT projects during the projects' design phase. The bill's notice and public hearing process for access modification projects is vitally important because changing access to property can have significant impacts, especially to a business location. In addition, property owners and local governments may present DOT with alternative designs that relieve impacts to affected properties (without impacting safety or traffic flow) that were not considered by the agency.